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19 JOSEPH BIRDSONG, individually  
and as representative of the putative CLASS

20 [Additional Counsel Listed on Signature Page]

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN JOSE DIVISION

24 JOSEPH BIRDSONG, individually and as  
representative of the CLASS,

Case No. C 06-02280 JW PVT

Judge: Hon. James Ware

25 **STIPULATION AND JOINT MOTION TO  
26 RESCHEDULE CASE MANAGEMENT  
27 CONFERENCE**

Plaintiff,

vs.

28 APPLE COMPUTER, INC.,

Defendant.

1 IT IS HEREBY STIPULATED AND REQUESTED by Defendant Apple Computer, Inc.  
2 (“Apple”) and Plaintiff Joseph Birdsong, individually and as representative of the putative Class,  
3 pursuant to Fed. R. Civ. P. 6(b) and N.D. Cal. Civil L.R. 6-1(a), and consistent with the parties’  
4 agreements, that the Case Management Conference scheduled for Monday, April 2, 2007 be  
5 rescheduled for Monday, April 16, 2007. Counsel for Apple is required to be at a mandatory  
6 court hearing in Delaware on April 2, 2007, and cannot attend the Case Management Conference  
7 in this proceeding.

8 WHEREFORE, based on the foregoing and for good cause shown, the parties respectfully  
9 request that this Court order that the Case Management Conference be held on Monday, April 16,  
10 2007, in Courtroom 8, 4th Floor, San Jose at 10:00 a.m.

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1 Respectfully submitted,

2 Dated: February 14, 2007

4 HAGENS BERMAN SOBOL SHAPIRO LLP

6 By: /s/ Lee M. Gordon

7 Lee M. Gordon  
Elaine T. Byszewski

9 Attorneys for Plaintiff  
JOSEPH BIRDSONG,  
10 individually and as representative  
of the putative CLASS

12 Additional Counsel for Plaintiff,  
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Respectfully submitted,

Dated: February 14, 2007

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By: /s/ Mark E. McKane

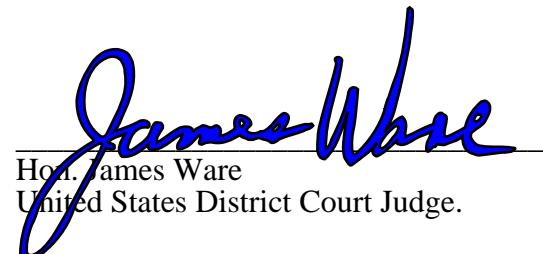
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5

6 THE FOREGOING STIPULATION IS  
7 APPROVED AND IT IS SO ORDERED.  
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9 Dated: 2/15/2007

  
Hon. James Ware  
United States District Court Judge.

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## **ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Mark E. McKane, am the ECF user whose ID and password are being used to file this STIPULATION AND JOINT MOTION TO RESCHEDULE CASE MANAGEMENT CONFERENCE. In compliance with General Order 45, X.B., I hereby attest that Lee M. Gordon, counsel for Plaintiff Joseph Birdsong, has concurred in this filing.

/s/  
Mark E. McKane